

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
JAN 19 2005

Michael N. Milby, Clerk

SHAJAHAN SARKAR

vs.

SUNMART, INC.

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§

CIVIL ACTION NO. H-04-3824

JURY DEMANDED

DEFENDANT'S ORIGINAL ANSWER

Defendant, Sunmart, Inc. ("Sunmart") files this Answer to Plaintiff Shajahan Sarkar's First Amended Complaint, and in support thereof, would respectfully show the Court the following:

Admissions & Denials

1. Defendant admits the allegations contained in paragraphs 1 - 3 of Plaintiff's First Amended Complaint.

2. Defendant admits the portion of the allegations contained in paragraph 4 of Plaintiff's First Amended Complaint which states, "Plaintiff Sarkar worked for defendant as a cashier," but denies the remaining allegations in paragraph 4 of Plaintiff's First Amended Complaint.

3. Defendant denies the allegations contained in paragraph 5 of Plaintiff's First Amended Complaint.

4. Defendant admits the allegations contained in paragraph 6 of Plaintiff's First Amended Complaint.

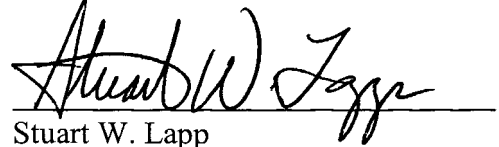
5. Defendant denies the allegations contained in paragraph 7-12 of Plaintiff's First Amended Complaint.

6. Defendant denies that it is liable as accused by Plaintiff or that Plaintiff is entitled to any of the relief requested in paragraph 14 of Plaintiff's First Amended Complaint.

For these reasons, Defendant Sunmart, Inc. asks the Court to enter judgment that Plaintiff take nothing, dismiss Plaintiff's suit with prejudice, assess costs against Plaintiff, and award Defendant such other and further relief, general and special, at law and in equity, to which it may be justly entitled.

Dated on this 19th day of January, 2005.

Respectfully submitted,



Stuart W. Lapp
State Bar No. 11946100
3648 F.M. 1960 West, Suite 200
Houston, Texas 77068
(281) 364-5930
(281) 364-5920 fax

ATTORNEY FOR DEFENDANT,
SUNMART, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2005, a true and correct copy of the foregoing *Defendant's Original Answer* was sent via first class certified mail, return receipt requested, and/or was sent via facsimile to:

Mr. Josef F. Buenker
1225 North Loop West, Suite 1020
Houston, Texas 77008



Stuart W. Lapp